

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN E. KIDD,

Defendant.

DECISION AND ORDER
18-CR-17-A

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On July 22, 2019, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 46) that recommends that defendant Kidd's motions to suppress and to dismiss be denied, and that denied the defendant's motion for a bill of particulars. The defendant filed objections to the recommendations and appealed the order. Dkt. No. 47. The United States filed responses. Dkt. No. 49. The Court heard oral argument on September 17, 2019.

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of a report and recommendation to which objections have been made. After reviewing the submissions of the parties, having heard oral argument, and upon *de novo* review, it is hereby

ORDERED that the motions to suppress and dismiss of defendant Kidd are denied for the reasons stated in the Report, Recommendation and Order. Dkt. No. 46. The Court has considered the defendant's objections and finds them to be without

merit, and it is

ORDERED that defendant Kidd's appeal of the denial of his motion for a bill of particulars is denied. That denial by the Magistrate Judge was neither clearly erroneous nor contrary to law. It is further

ORDERED that the parties shall appear to set a date for a change of plea or a trial on October 17, 2019, at 9:30 a.m.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 15, 2019